

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHANTE FRANKLIN AND JET LIFE RECORDINGS,

Plaintiff(s),  
-against-

DD172, LLC/BLUROC and DAMON DASH,

Defendant(s).

**CERTIFICATION OF JOHN  
P. FAZZIO, ESQ. IN  
SUPPORT OF MOTION TO  
BE RELIEVED AS COUNSEL**

1:12-CV-01661(ALC)

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JOHN P. FAZZIO, ESQ., an attorney duly admitted to the practice of law in the United States District Court for the Southern District of New York, hereby affirms the truth of the following under penalties of perjury:

1. My law firm, Fazzio Law Offices (collectively the "Firm"), represents Defendants DD172/BLUROC and DAMON DASH (collectively "Defendants") and, as such, I am fully familiar with the facts and circumstances set forth herein.
2. I submit this affirmation in support of the Firm's motion to be relieved as counsel for Defendants, whom I have been representing in the above captioned matter since March 15, 2012.
3. The basis for this motion is two-fold: (a) I have consistently tried to communicate with my client through electronic mail, telephone, text and regular mail, consistently over the last six months regarding the terms of representation and the prosecution of his case and have reached an impasse in the attorney-client relationship due to my client's refusal to cooperate in his own defense and (b) the Firm has not been paid in full for the services it has rendered to Defendants pursuant to the terms of the representation.

4. Due to the fact that I have not had any substantive communication with Defendants over the past months, I cannot adequately or properly represent Defendants' interests and defend the claims alleged against them by the Plaintiff in this action.

5. I waited as long as I could before making this motion and requesting from the Court that the Firm be relieved.

6. I can no longer hope that Defendants will come around and participate in this litigation and their defense. Without the Defendants' cooperation and input it is impossible for me to adequately represent them in this matter and comply with the Orders of this Court.

7. At this stage no Trial Date has been set.

8. Pursuant to the Court's Docket Entry No. 37, whereby Plaintiff's Counsel was permitted to withdraw from the case, new counsel was required to submit an appearance not later than February 26, 2014. Mr. McMillan has submitted his appearance and an Amended Answer has been filed.

9. Therefore, as the schedule stands, I am requesting a stay of any proceedings for thirty (30) days. Thirty (30) days should be sufficient time for Defendants to retain new counsel and thirty (30) days should be sufficient time for incoming counsel to become familiar with the case.

10. Over the last ninety (90) days I have consistently communicated with Defendant Dash, and his representatives, asking for them to assist with their defense and asking them to cure large outstanding balances owed to the Firm, and indicated repeatedly that the Firm would be making this motion to withdraw as counsel if the pattern of non-responsiveness and non-compliance with their payment obligations continued and if the outstanding bill for services rendered to date was not paid.

11. During the same time period I repeatedly requested that Defendants and their representatives contact me to discuss these matters.

12. I have made these requests consistently up and through the beginning of this week, but to no avail and as such, the Firm has no other choice but to make this request to withdraw as counsel for Defendants.

13. Prior to filing this motion I have previously informed the attorney for the plaintiffs, outgoing counsel, Ms. Claudine King, that I will be withdrawing as counsel. Attorney King is aware of this motion and has been served with a copy of this motion. To date I have not received any communication from Ms. King indicating that she has any objection to the Firm withdrawing as counsel on behalf of Defendants.

14. Based on the foregoing, Your affiant is requesting that the Court issue an Order allowing the law firm of Fazzio Law Offices, and its attorneys to withdraw as DD172/BLUROC's counsel and DAMON DASH's counsel on the grounds above mentioned, and granting such other and further relief as the Court deems just and proper and detailed in the annexed Proposed Order.

15. It is also requested that the Court, pending the hearing and determination of this motion, stay all proceedings in the above captioned matter for a period of thirty (30) days, and further requesting that any Order made by the Court in connection with this motion be served upon Defendants DD172/BLUROC and DAMON DASH by Certified Mail and that it be deemed good and sufficient service.

Dated: New York, New York  
July 15, 2014

FAZZIO LAW OFFICES

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and DAMON DASH*